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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,986	11/12/2003	Werner Zimmermann	P7199.8US	2985
30008	7590	03/25/2005	EXAMINER	
GUDRUN E. HUCKETT DRAUDT LONSSTR. 53 WUPPERTAL, 42289 GERMANY			PAYNE, SHARON E	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	Application No. 10/605,986	Applicant(s) ZIMMERMANN ET AL.	
	Examiner Sharon E. Payne	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.  
     4a) Of the above claim(s) 30-35 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-25 is/are allowed.
- 6) ☒ Claim(s) 27-29 is/are rejected.
- 7) ☒ Claim(s) 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10/016,368.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 30-35 were withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected mirror, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4 March 2005.

### *Specification*

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

In this case the abstract is over 150 words.

3. The disclosure is objected to because of the following informalities: the short description of the drawings refers to Fig. 5a, but the drawings only have a Fig. 5. Appropriate correction is required.

### *Claim Objections*

4. Claim 26 is objected to because of the following informality: the word "pass" should be "passes" in line 16.

5. Claims 27-29 are objected to because of the following informalities: the phrase "of the vehicle" should be deleted in lines 4-5 of claim 27. Claims 28-29 are necessarily included due to their dependency. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 27 is rejected under 35 U.S.C. 102(b) as being anticipated by Shanley (U.S. Patent 1,274,340).

Regarding claim 27, Shanley discloses at least one vehicle light housing configured to be arranged on an inner side of a continuous vehicle part (Figs. 1 and 2), wherein the vehicle part has perforation openings (Fig. 2, reference number 4) filled with light-transmissive material (reference number 6) in an area behind which the at least one vehicle light housing is arranged (Fig. 2), at least one illumination element (Fig. 2) arranged in the at least one vehicle light housing (Fig. 2), wherein light emitted by the at least one illumination element passes through the perforation openings when the at least one illumination element is switched on (Fig. 2).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject

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matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shanley in view of Foti (U.S. Patent 2,963,613).

Regarding claim 28, Shanley does not disclose a coating. Foti discloses the perforation openings being coated with a coating (Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the coating of Foti in the apparatus of Shanley to reduce headlight glare. See column 1, lines 25-30, of Foti.

Concerning claim 29, Shanley does not disclose a coating. Foti discloses a coating that has a color that is used for vehicle parts (Fig. 1).

Making the coating the identical color of the vehicle part is considered to be an obvious variation. Since a colored coating is well known in the art, it would have been obvious to one of ordinary skill in the art to make the coating the same color as the vehicle to create an aesthetically pleasing effect, since making changes for aesthetic reasons involves only routine skill in the art. See M.P.E.P. 2144.04.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the coating of Foti in the apparatus of Shanley to reduce headlight glare. See column 1, lines 25-30, of Foti.

***Allowable Subject Matter***

11. Claims 1-25 are allowed.

12. Claim 26 would be allowable if rewritten or amended to overcome the objections set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter. The prior art fails to disclose a vehicle light having the following features:

1) a light-transmissive coating applied onto the exterior side of the lens, wherein the light-transmissive coating has a color matching a color of a coating of the vehicle part and wherein the light-transmissive coating has a thickness such that the lens when the at least one illumination element is switched off is invisible from the exterior of the vehicle and such that the lens allows light emitted by the at least one illumination element to pass through when the at least one illumination element is switched on as recited in claim 1; and

2) a light-transmissive coating applied onto an outer side of the vehicle part, wherein the light-transmissive coating has a thickness in an area of the lens such that , when the at least one illumination element is switched off, the lens is invisible from the exterior of the vehicle and such that light emitted by the at one illumination element passes through the coating when the at least one illumination element is switched on as recited in claim 26.

**Conclusion**

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (571) 272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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